

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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KRISTIAN ZSUPNIK,

Case No. 0115014636

Charging Party,

ORDER

-v-

MT DEPARTMENT OF CORRECTIONS,

Respondent,

Charging Party, Kristian Zsupnik, (Zsupnik) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination in government services on the basis of physical disability by the Montana Department of Corrections.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Zsupnik's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Zsupnik filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 20, 2011.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission unanimously concludes the determination of the Department to dismiss the complaint in this case was not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate

relief. *Section 49-2-511(3)(a), MCA.* If a charging party fails to commence a civil action within 90 days, charging party's claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Kristian Zsupnik's objection to the Notice of Dismissal is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against the Montana Department of Corrections.

DATED this 1<sup>st</sup> day of August 2011.

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L.M. Minich, Chair  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 1<sup>st</sup> day of July 2011.

KRISTIAN ZSUPNIK #2073965  
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BRENDA ELIAS  
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Tam Newby, Legal Secretary  
Montana Human Rights Bureau